

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD KELTER, individually and as Trustee of the
RICHARD KELTER TRUST dated June 30, 2004,

Plaintiff,

- against -

APEX EQUITY OPTIONS FUND, LP, APEX EQUITY
MANAGEMENT, LLC, KYLE J. THOMPSON, COREY
H. THOMPSON, THOMPSON CONSULTING, INC.,
SHERWOOD FINANCIAL, INC., E. SHERMAN
WARNER, M&K HOLDINGS, LLC, MICHAEL T.
MORLEY, KRYSTIN P. MORLEY, and WILLOWBEND
PROPERTY COMPANY, LLC,

Defendants.

08 Civ. 02911 (NRB) (ECF)

**NOTICE OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

To the above-named Plaintiff:

PLEASE TAKE NOTICE THAT, pursuant to Rule 1.3(c) of the Local Rules of
the United States District Courts for the Southern and Eastern Districts of New York, Robert J.
Anello, a member in good standing of the bar of this Court, hereby moves for an Order allowing
the admission *pro hac vice* of:

John V. McDermott
Brownstein Hyatt Farber Schreck, LLP
410 17th Street, Suite 2200
Denver, CO 80202-4437
Phone: (303) 223-1100
Fax: (303) 223-1111
E-mail: jmcdermott@bhfs.com

Mr. McDermott is a member in good standing of the bar of the State of Colorado.

There are no pending disciplinary proceedings against him.

Dated: June 6, 2008
New York, New York

JUN 06 2008

90925-65334/

MORVILLO, ABRAMOWITZ, GRAND,
IASON, ANELLO & BOHRER, P.C.

By: 

Robert J. Anello (RA-9555)

565 Fifth Avenue

New York, New York 10017

Phone: (212) 856-9600

Fax: (212) 856-9494

E-mail: ranello@maglaw.com

*Attorneys for Defendants Apex Equity Options Fund, LP,
Apex Equity Management, LLC, Kyle J. Thompson,
Corey H. Thompson, Thompson Consulting, Inc., and
Sherwood Financial, Inc.*

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**AFFIDAVIT OF
ROBERT J. ANELLO IN
SUPPORT OF MOTION TO
ADMIT JOHN V. McDERMOTT
PRO HAC VICE**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

ROBERT J. ANELLO, being duly sworn, deposes and says:

1. I am a principal of the firm of Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C., counsel for defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson Consulting, Inc., and Sherwood Financial, Inc. in the above-captioned action. I am familiar with the proceedings in this case. I make this statement in support of the referenced defendants' motion to admit John V. McDermott as counsel *pro hac vice* to represent them in this action.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1981. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

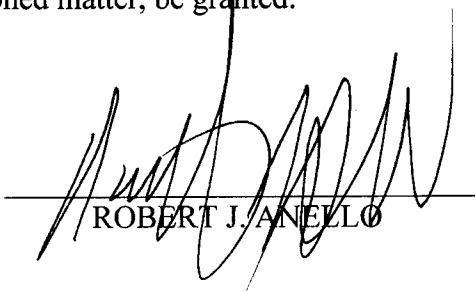
3. Mr. McDermott is a member of the firm of Brownstein Hyatt Farber Schreck, LLP, in Denver, Colorado. He is a member in good standing of the bar of the State of Colorado. A Certificate of Good Standing from the State of Colorado, issued within 30 days of the date hereof, is attached hereto as exhibit A.

4. I have known Mr. McDermott for approximately 25 years, and I am familiar with his professional reputation. I know Mr. McDermott personally and by reputation to be a skilled attorney and a person of high integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

5. Accordingly, I am pleased to move the admission of John V. McDermott, *pro hac vice*.

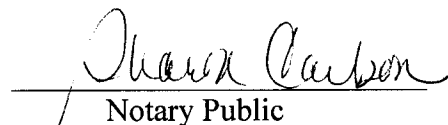
6. I respectfully submit a proposed Order granting the admission of Mr. McDermott, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit John V. McDermott, *pro hac vice*, to represent defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson Consulting, Inc., and Sherwood Financial, Inc. in the above-captioned matter, be granted.



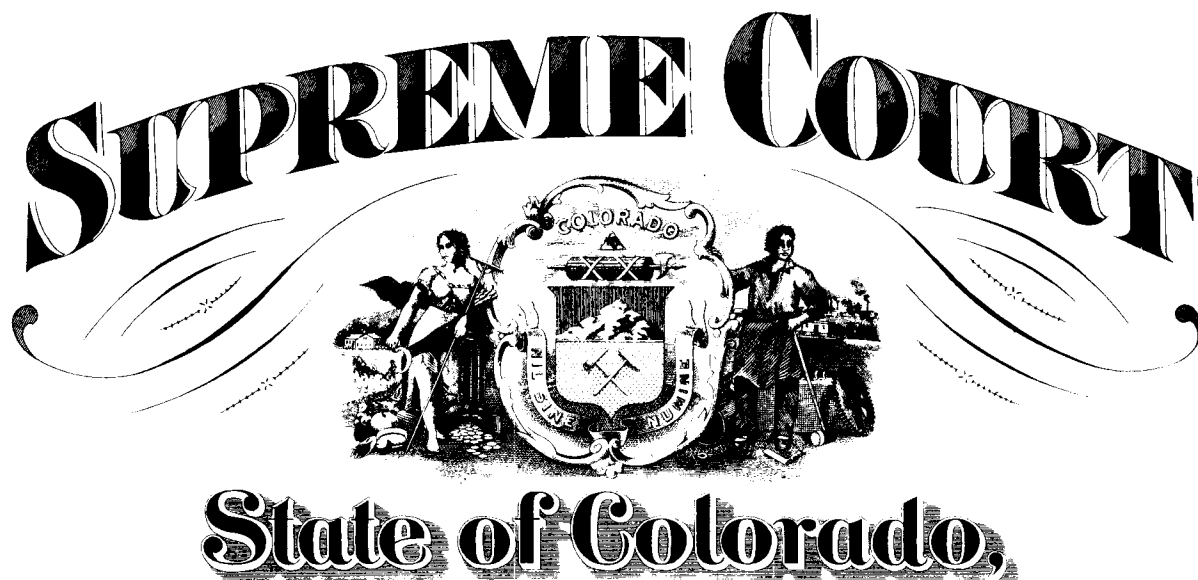
ROBERT J. ANELLO

Sworn to before me this
5th day of June, 2008



Notary Public

SHARON CARLSON
Notary Public, State of New York
No. 91CA4778310
Qualified in Orange County
Commission Expires June 30, 2010



STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

CHRISTOPHER CLAYTON ZENISEK

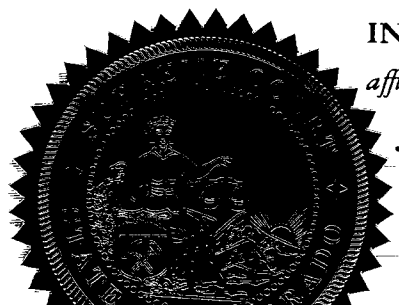
has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 29th

day of October A. D. 2002 and that at the date hereof the said **CHRISTOPHER CLAYTON ZENISEK**

is in good standing at this Bar.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

30th day of May A. D. 2008

Susan J. Festag

Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

- against-

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PROPERTY COMPANY, LLC,

Defendants.

08 Civ. 02911 (NRB) (ECF)

**ORDER FOR ADMISSION
OF COUNSEL PRO HAC VICE**

Upon the motion of Robert J. Anello, attorney for defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson Consulting, Inc., and Sherwood Financial, Inc., and said sponsor attorney's affidavit in support, with the exhibits thereto,

IT IS HEREBY ORDERED that:

John V. McDermott
Brownstein Hyatt Farber Schreck, LLP
410 17th Street, Suite 2200
Denver, CO 80202-4437
Phone: (303) 223-1100
Fax: (303) 223-1111
E-mail: jmcdermott@bhfs.com

is admitted to practice *pro hac vice* as counsel for defendants Apex Equity Options Fund, LP, Apex Equity Management, LLC, Kyle J. Thompson, Corey H. Thompson, Thompson

Consulting, Inc., and Sherwood Financial, Inc., in the above-captioned case in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys.

Counsel shall apply immediately for a password for the Court's Electronic Case Filing system and shall forward the *pro hac vice* fee to the Clerk of the Court.

IT IS SO ORDERED this ____ day of June, 2008

Naomi R. Buchwald, U.S.D.J.

CERTIFICATE OF SERVICE

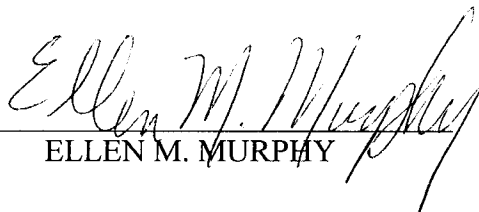
I hereby certify that, on June 6, 2008, I caused a copy of the foregoing Notice of Motion to Admit Counsel Pro Hac Vice, with the Supporting Affidavit of Robert J. Anello and the exhibits thereto (the "Motion"), to be sent via U.S. Mail first class, postage-prepaid, to plaintiff's counsel of record:

Kevin W. Goering, Esq.
Bardia Bakhtari, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
30 Rockefeller Plaza
New York, NY 10112
bbakhtari@sheppardmullin.com
kgoering@sheppardmullin.com

Lee R. Goldberg, Esq.
Law Offices of Lee R. Goldberg
23272 Mill Creek Drive, Suite 360-W
Laguna Hills, CA 92653

In addition, also on June 6, 2008, I caused a copy of the Motion to be sent via e-mail to Messrs. Goering and Bakhtari at the e-mail addresses indicated above.

Dated: New York, New York
June 6, 2008


ELLEN M. MURPHY